



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

September 17, 2003
CERTIFIED MAIL

Bob Jateff
State of Washington
Department of Fish and Wildlife
55 Wolf Creek Road
Winthrop WA 98862

**RE: Temporary Authorization to Fill the Similkameen Acclimation Pond
(Reservoir Certificate No. 3568 and Surface Water Permit No. S4-29889P)**

On September 26, 2001, the State of Washington Department of Fish and Wildlife filed an application to change existing water rights in Okanogan County. Fish rearing and acclimation on their lands is authorized under existing water rights subject to interruption under the Okanogan River Instream Resources Protection Program, WAC 173-549.

RCW 90.03.390 and WAC 173-166-080 allows the state to authorize temporary transfers of water rights provided that the quantity used on the new place of use does not exceed that authorized on the original place of use.

Reservoir Certificate No. 3568

Reservoir Certificate No. 3568, with a priority date of March 18, 1949, was issued to State of Washington Department of Game and authorizes the storage of 10 acre-feet, 52 acre-feet and 175 acre-feet in three reservoirs located along Sinlahekin Creek. The purpose of use is for fish and wildlife enhancement. The reservoirs are located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, all in T. 37 N., R. 25 E.W.M. and Section 35, T. 38 N., R. 25 E.W.M.

The applicant proposes to release approximately 2.2 acre-feet of water from the reservoirs, allow it to flow down Sinlahekin Creek and the Similkameen River, and capture it at the Similkameen rearing pond located near the confluence of the Similkameen and Okanogan Rivers.

The new place of use of water is located on property currently providing non-consumptive fish rearing and acclimation under Surface Water Permit No. S4-29889P. The filling of the ponds is considered consumptive and subject to curtailment when the Okanogan River falls below the minimum flow levels established in Chapter 173-549-900 WAC.

FILE COPY

Permit No. S4-29889P was issued to Public Utility District No. 1 of Chelan County and authorized the non-consumptive use of 27.4 cubic feet per second (cfs) and 10,250 acre-feet of water for fish rearing and acclimation within a parcel of land described as:

All of Government Lot 6, Section 33, T. 40 N., R. 27 E.W.M., lying east of Okanogan County Road No. 9437. EXCEPT the north 418.00 feet of said Government Lot 6 and EXCEPT that portion of said Government Lot 6 lying south of a line beginning at a point on the east right-of-way line of Okanogan County Road No. 9437; whence the southwest corner of Government Lot 8, Section 33, T. 40 N., R. 27 E.W.M. bears south 13°18'18" west 1361.54 feet; thence running north 85°47'57" east 433.48 feet, more or less, to the west bank of the Similkameen River.

The new emergency point of diversion for Surface Water Certificate No. 3568 will be from the Similkameen River located approximately 1800 feet north and 1800 feet east of the southeast corner of Section 33, T. 40 N., R. 27 E.W.M., the same point of diversion authorized under Permit No. S4-29889P.

Approximately 2.2 acre-feet of water would be diverted within approximately 3 hours during the month of October 2001 into the Similkameen rearing pond for fish rearing and acclimation.

Conclusions and Decision

Authorizing this transfer of water down river along the Similkameen River will not impair existing water rights.

This **Temporary Authorization** allows the transfer of 2.2 acre-feet of water under Reservoir Certificate No. 3568 in Okanogan County to other property in Okanogan County described as follows:

All of Government Lot 6, Section 33, T. 40 N., R. 27 E.W.M., lying east of Okanogan County Road No. 9437. EXCEPT the north 418.00 feet of said Government Lot 6 and EXCEPT that portion of said Government Lot 6 lying south of a line beginning at a point on the east right-of-way line of Okanogan County Road No. 9437; whence the southwest corner of Government Lot 8, Section 33, T. 40 N., R. 27 E.W.M. bears south 13°18'18" west 1361.54 feet; thence running north 85°47'57" east 433.48 feet, more or less, to the west bank of the Similkameen River.

A water duty of 8.91cfs (4000 gallons per minute) and 2.2 acre-feet is authorized for use in the Similkameen rearing pond.

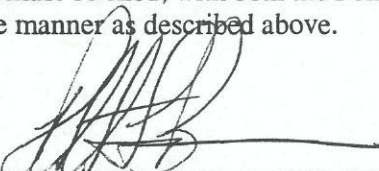
The point of diversion is an existing point of diversion located approximately 1800 feet north and 1800 feet east of the southeast corner of Section 33, T. 40 N., R. 27 E.W.M.

This temporary authorization expires on December 31, 2003.

FILE COPY

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued, if he or she wishes to file an appeal, must file the appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600. All others receiving notice of this Order, who wish to file an appeal, must file the appeal with the Pollution Control Hearings Board within **thirty (30) days of the date the Order was mailed**. The appeal must be filed, with both the Pollution Control Hearings Board and the Department of Ecology, in the same manner as described above.

APPROVED BY: _____


Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

DATE: _____

9/17/2003

RFB:PC:gg
030913

Enclosure: Your Right to Be Heard

cc: Hal Michael, WDFW
 Gary Passmore, Colville Confederated Tribes

FILE COPY



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 15, 2001

CERTIFIED MAIL

WA DFW
600 Capitol Way N
Olympia WA 98501-1091

RE: Emergency Drought Change Authorization (CS4-SWC3568)

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorization. This report constitutes our determination and order regarding the above-referenced application for change. If you have any questions or concerns about any of this information, please call the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
011034b

Enclosures: Emergency Drought Change Authorization(s)

f-1ch.doc

FILE COPY





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 15, 2001

To: Gary Passmore, Colville Confederated Tribes

RE: **Emergency Drought Change Authorization re: CS4-SWC3568**

Enclosed is a copy of the Department of Ecology's Emergency Drought Change Authorization, which constitutes our determination and order regarding the above-referenced application. If you have any questions or concerns about any of this information, please call the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
011034a

Enclosures: Emergency Drought Change Authorization

f-10th.doc

FILE COPY



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. *WR PC*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *CS4-54C3568*

**WA DFW
600 CAPITOL WAY N
OLYMPIA WA 98501-1091**

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery *10-22-01*

C. Signature *Carolea Whitfield* ☐ Agent

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Postmark Here

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Recipient's Name (Please Print Clearly) (To be completed by mailer)

WA DFW
Street, Apt. No.; or PO Box No.

City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions

9260 9012 E200 0250 0002

FILE COPY